

CIRCUIT RULE 33-1

CIVIL APPEALS DOCKETING STATEMENT; PREBRIEFING SETTLEMENT CONFERENCES; PREBRIEFING CASE MANAGEMENT CONFERENCES

(a) Civil Appeals Docketing Statement: Except as provided in section (b) below, absent exigent circumstances, the appellant/petitioner in each civil case shall complete and submit to the district court upon the filing of the notice of appeal, or to this court upon the filing of a petition for review, an original and one copy of the Civil Appeals Docketing Statement on the form provided as Form 6 in the Appendix of Forms Within 7 days of service of the Civil Appeals Docketing Statement, appellee/respondent may file a response with this court. Parties shall serve copies of the Civil Appeals Docketing Statement and any response on all parties to the proceedings below. Appellant/petitioner shall attach to all copies of the Civil Appeals Docketing Statement a copy of the order from which the appeal is taken. Failure to comply with the rules may result in dismissal of an appeal or petition in accordance with Cir. R. 42-1.

(b) Cases in which Civil Appeals Docketing Statement not Required. The requirement for filing a Civil Appeals Docketing Statement shall not apply to : (1) appeals or petitions in which the appellant/petitioner is proceeding without the assistance of counsel or in which the appellant is incarcerated; (2) appeals from actions filed under 28 USC § 2241, 2254, 2255; (3) appeals permitted by the court under 28 USC § 1292(b); (4) petitions for a writ under 28 USC § 1651; (5) petitions for review of Board of Immigration Appeals decision under 8 USC § 1105(a); and (6) petitions for review and applications for enforcement of National Labor Relations Board decisions under 29 USC § 160(e).

*****NOTE: IF A CIVIL APPEALS DOCKETING STATEMENT WAS NOT FILED WITH THE NOTICE OF APPEAL, APPELLANTS ARE DIRECTED TO FILE THE STATEMENT WITH THE COURT OF APPEALS.**

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
CIVIL APPEALS DOCKETING STATEMENT

INTERNAL USE ONLY

PLEASE TYPE OR PRINT. ATTACH ADDITIONAL PAGES IF NECESSARY.

TITLE IN FULL	DISTRICT:		JUDGE:	
	DATE COMPLAINT FILED:		DISTRICT COURT DOCKET NUMBER:	
	DATE NOTICE OF APPEAL FILED:		IS THIS A CROSS APPEAL? ____ YES ____ NO	
	HAS THIS MATTER BEEN BEFORE THIS COURT PREVIOUSLY? ____ YES ____ NO IF YES, STATE WHEN: CASE NAME: CITATION: DOCKET NUMBER:			
CHECK AS MANY AS APPLY				
JURISDICTION		DISTRICT COURT DISPOSITION		
1. FEDERAL	2. APPELLATE	1. STAGE OF PROCEEDING	2. TYPE OF JUDGMENT/ ORDER APPEALED	3. RELIEF
<input type="checkbox"/> FEDERAL QUESTION <input type="checkbox"/> DIVERSITY <input type="checkbox"/> OTHER SPECIFY	<input type="checkbox"/> FINAL DECISION OF DISTRICT COURT <input type="checkbox"/> INTERLOCUTORY DECISION APPEALABLE AS OF RIGHT <input type="checkbox"/> INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE (SPECIFY) <input type="checkbox"/> OTHER (SPECIFY)	<input type="checkbox"/> PRE-TRIAL <input type="checkbox"/> DURING TRIAL <input type="checkbox"/> AFTER TRIAL	<input type="checkbox"/> DEFAULT JUDGMENT <input type="checkbox"/> JUDGMENT/COURT DECISION <input type="checkbox"/> DISMISSAL/JURISDICTION <input type="checkbox"/> JUDGMENT/JURY VERDICT <input type="checkbox"/> DISMISSAL/MERITS <input type="checkbox"/> SUMMARY JUDGMENT <input type="checkbox"/> JUDGMENT NOV <input type="checkbox"/> DECLARATORY JUDGMENT <input type="checkbox"/> DIRECTED VERDICT <input type="checkbox"/> OTHER (SPECIFY)	<input type="checkbox"/> DAMAGES: AMOUNT SOUGHT \$ _____ AMOUNT <input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED \$ _____ <input type="checkbox"/> INJUNCTIONS <input type="checkbox"/> PRELIMINARY OR <input type="checkbox"/> PERMANENT <input type="checkbox"/> GRANTED OR <input type="checkbox"/> DENIED

BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW:

ISSUES PROPOSED TO BE RAISED ON APPEAL

BASED ON YOUR PRESENT KNOWLEDGE:

1. Does this appeal involve a question of first Impression? ☐ Yes ☐ No
2. Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☐ Yes ☐ No
If yes, provide:
Case name/statute _____
Citation: _____
Docket number, if unreported: _____
3. Is there any case now pending or about to be filed in this court or any other court or administrative agency which:
 - a) Arises from substantially the same case or controversy as this appeal?
☐ Yes ☐ No
 - b) Involves an issue that is substantially the same, similar or related to an issue in this appeal?
☐ Yes ☐ NoCase name: _____
Citation: _____
Court or agency: _____
Docket number, if unreported: _____
4. Will this appeal involve a conflict of law within the Ninth Circuit?
☐ Yes ☐ No
Among circuits? ☐ Yes ☐ No
If yes, explain briefly:

DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING:

- ☐ Possibility of settlement;
- ☐ Likelihood of a motion to expedite the appeal;
- ☐ Multiple parties on either side for whom joint briefing is possible;
- ☐ Likelihood of motions to intervene on appeal;
- ☐ Likelihood of motions to file amicus briefs;
- ☐ Likelihood of motions to stay appeal pending resolution of a related case. Identify case name, docket number and court or agency:

- ☐ Other procedural complexities:

COUNSEL FOR APPELLANT(S):

NAME: _____
FIRM: _____
ADDRESS: _____
TELEPHONE: (____) _____

I CERTIFY THAT A COPY OF THIS CIVIL APPEALS DOCKETING STATEMENT WAS SUBMITTED TO THE CLERK OF THE DISTRICT COURT OR THE CLERK OF THE U.S. COURT OF APPEALS, AND THAT IT WAS SERVED ON EACH PARTY/COUNSEL SHOWN ON THE ATTACHED SERVICE LIST.

SIGNATURE

DATE

REMEMBER TO ATTACH COPIES OF ORDER/JUDGMENT APPEALED FROM
AND SERVICE LIST WITH TELEPHONE NUMBERS